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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)
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First named inventor: Melvin Harper
Application No.: 10/707,268 Art Unit:
Filed: 12/02/2003 Examiner:
Title: Riser for Narrow Carving Skis

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$ 685 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Check Reply to Office action (identify type of reply):
☐ has been filed previously on _____
☒ is enclosed herewith.
B. The issue fee and publication fee (if applicable) of \$ _____
☐ has been paid previously on _____
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/15/2004 HALI11 00000025 10707268 685.00 OP
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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

M L Harper
Signature

12/05/2004
Date

Melvin L. Harper
Typed or printed name

Registration Number, if applicable

1928 Emerson Ave. S. #16
Address

Telephone Number

Minneapolis, MN 55403
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

12/07/04
Date

M L Harper
Signature

Melvin L. Harper
Typed or printed name of person signing certificate



4. CAUSE OF THE DELAY

I welcome the opportunity to respond to your "Notice to file missing parts of nonprovisional application filed under 37CFR 1.53 (b)". The letter in question was mailed to me on 02/24/2004. I did not receive this letter until I requested a faxed copy from Mr. Preston Wallace at the patent office on November 29.

Ordinarily when I receive mail from the patent office, I date stamp it, begin work on the response, and submit the response in good order and before the two month deadline. I then file the notice of action at two locations, one I scan and add to the file "Riser for Narrow Carving Skis". The other goes into my master file in a filing cabinet.

I cannot explain why I did not receive the letter. It was to have been sent to Mankato, MN to the co-inventor, Luke Harper, chief sound engineer at Two Fish Studio in that town. Mr. Harper, my son, had been advised to look out for letters from the patent office. We expected to be contacted soon after the filing on 12/02/2003. The letter in question must have been lost either in the mail, or in my son's house after it was delivered. He is quite willing to make a statement to this effect in writing if required.

For this reason, the entire delay was unintentional.

It is of note that he did receive your letter dated 11/23/04, the notice of abandonment.